

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

IN RE: PAUL EDWARD ALLEN

Case No. 10-75683-SCS
Chapter 13

Debtor(s)

NATIONSTAR MORTGAGE, LLC

Movant,

v.

PAUL EDWARD ALLEN

Debtor(s)

And

R. CLINTON STACKHOUSE, JR., CHAPTER 13 TRUSTEE,
Respondents,

ORDER RESOLVING AMENDED MOTION FOR RELIEF FROM STAY

This matter came on upon the amended motion of NATIONSTAR MORTGAGE, LLC (the "Creditor"), a creditor of Paul Edward Allen (Debtor), seeking the entry of an order modifying the automatic stay provided in 11 U.S.C. Section 362. The Debtor having been fully advised of the terms of the settlement has consented thereto as evidenced by the endorsement hereto by his counsel.

Now, upon said motion and all papers and proceedings here before me, it appears that the Creditor holds a valid lien on the subject property securing a loan which is in default, that the Creditor is entitled to maintain its lien against

Wm. C. Parkinson, Jr.
Wm. C. Parkinson, Jr., P.C., counsel for
NATIONSTAR MORTGAGE, LLC
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 288-9026 VSB No. 14765

said property and to pursue such remedies as it may have in its deed of trust granting such lien, that the debtor is in default on post-petition payments to Creditor and that the total arrearage as of May 1, 2013, is \$11,744.32 which consists of 14 payments of \$1,064.67 each less suspense of \$1,062.95; less payments made totaling \$2,824.11; attorney's fee of \$550.00 and court costs of \$176.00; it is therefore

ORDERED that said arrearage shall be paid as follows:

Said arrearage in the amount of \$11,744.32 shall be paid by the Chapter 13 Trustee over the remaining term of an Amended Chapter Plan to be filed by the debtor. Said amended Chapter 13 Plan shall be filed within twenty-One (21) days of the entry of this. The additional funds necessary to fund the amended plan shall be generated from increased Social Security benefits and from debtor's mother, Virginia Williams, .

In the first paragraph of the amended plan, in the space provided therefore, the amended plan shall clearly set forth that the plan is being amended to include payment of post-petition mortgage arrearages and that general unsecured creditors may be affected by the modification.

Consent by the Trustee to the proposed terms of this order does not constitute consent to the terms of any future amended plan, including the one contemplated herein, including, but not limited to terms which propose to shorten the duration of the plan, lessen the amount of the plan payments, or decrease the plan base of the existing plan.

it is further

ORDERED and DECREED that beginning in June 1, 2013, and continuing each month thereafter pursuant to the Note and Deed of Trust entered between the parties, Debtor agrees to pay to NATIONSTAR MORTGAGE, LLC all regular monthly mortgage payment in a timely manner; it is further

ORDERED that if for any reason whatsoever, the debtor defaults in any term of this Order, all of the terms of which debtor has received notice of and has agreed to comply with as evidenced by the signature of counsel for the debtor on this Order, then immediately and without further notice, the automatic stay provided by 11U.S.C. Section 362, is hereby modified so as to permit the Creditor to proceed to pursue such remedies as it may have in its deed of trust and other security instruments and the laws of the Commonwealth of Virginia with respect to the real property located at 8260 Gygax Road, Norfolk, Virginia 23505 and more particularly described as follows :

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON, LYING, SITUATE AND BEING IN THE CITY OF NORFOLK, VIRGINIA, AND KNOWN, NUMBERED AND DESIGNATED AS LOT 435, AS SHOWN ON THAT CERTAIN PLAT ENTITLED "MAP OF PROPERTY OF OAKDALE FARMS SECTION B", WHICH SAID PLAT IS DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE, VIRGINIA IN MAP BOOK 26, AT PAGE 40

It is further ORDERED that in the event the automatic stay provided by 11 U.S.C. Section 362 is modified so as to permit the Creditor to proceed to pursue such remedies as it may have in its deed of trust or the loan held by Movant and secured by the subject real property, the Chapter 13 Trustee shall then be relieved from the obligation to make payments to Creditor pursuant to the proof of claim filed by Creditor in this Chapter 13 case as such payments relate to the real property

that is the subject of this Order. Any deficiency claim must be filed within 120 days of entry of this order or be forever barred.

IT IS FURTHER ORDERED that the Movant shall promptly notify the Chapter 13 Trustee in writing of the results of any foreclosure of the subject deed and pay to the Chapter 13 Trustee any excess funds received from such foreclosure sale, to be disbursed upon agreement with the Debtor or upon further order of the Court.

Once the debtor makes all of the stipulated payments and the regular monthly mortgage payments during the cure period as required in this Order, then all mortgage payments, costs, fees and late charges shall be deemed current from the date of the filing of the bankruptcy through the date of entry of the Order.

It is further ORDERED and DECREED that copies of this Order be sent to Wm. C. Parkinson, Jr. counsel for creditor, at 5310 Markel Road, Suite 200, Richmond, Virginia 23230; to Paul Edward Allen, debtor, at P.O. Box 3724, Virginia Beach, Virginia 23454; to Steve C. Taylor, Esquire, counsel for debtor, at 133 Mt. Pleasant Road, Chesapeake, Virginia 23322 and to R. Clinton Stackhouse, Jr., Trustee, 7021 Harbour View Blvd., Suite 101, Suffolk, Virginia 23435

ENTER: / /

/s/ Stephen C. St.John Jul 10 2013
Chief Bankruptcy Judge

Entered on Docket: 07/10/2013

We ask for this:

/s/ Wm. C. Parkinson, Jr.

Wm. C. Parkinson, Jr., P.C., counsel for
NATIONSTAR MORTGAGE, LLC
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 288-9026 VSB No. 14765

/s/ Steve C. Taylor

Steve C. Taylor
Counsel for debtor
133 Mt. Pleasant Road
Chesapeake, Virginia 23322
(757) 482-5707

SEEN:

/s/ R. Clinton Stackhouse, Jr.

R. Clinton Stackhouse, Jr., Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, Virginia 23435

CERTIFICATE

I hereby certify that the foregoing Order has been endorsed by all parties
having an interest therein.

/s/ Wm. C. Parkinson, Jr.
